

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
AUG 20 2007
JOHN F. CORCORAN, CLERK
BY: DEPUTY CLERK

GREGORY L. MILLER,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civil Action No. 5:06CV00099

FINAL ORDER

By: Samuel G. Wilson
United States District Judge

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable James G. Welsh, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that an order be entered denying the defendant's motion to dismiss, vacating the final decision, and remanding the case to the Commissioner for further proceedings with the parties to have the opportunity to introduce such additional evidence as they may desire. Objections to the report and recommendation have not been filed, and the court, upon review of the record, is of the opinion that the report should be adopted. It is accordingly, **ORDERED** and **ADJUDGED** that the defendant's motion to dismiss is **DENIED**, the final decision is **VACATED**, the case is **REMANDED** to the Commissioner for further proceedings, and this case is **ORDERED** stricken from the docket of the court.

ENTER: This August 20, 2007.


UNITED STATES DISTRICT JUDGE